



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,994	01/21/2004	Frank Liebenow	P1994US00	4303

24333 7590 10/10/2006

GATEWAY, INC.

ATTN: Patent Attorney

610 GATEWAY DRIVE

MAIL DROP Y-04

N. SIOUX CITY, SD 57049

EXAMINER

NGUYEN, TUAN HOANG

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,994

Applicant(s)

LIEBENOW, FRANK

Examiner

Tuan H. Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 9-14, 18-23, 25-28, 30-34, 36-42 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14, 18-23 and 31-34 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 10, 25-28, 30, 36-38, 40-42 and 45-53 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 07/19/2006 have been fully considered but they are not persuasive.

In response to Applicant's remark on page 19, Applicant argues that Houvig et al. (U.S PAT. 5,708,701 hereinafter, "Houvig") reference cited by the Examiner for claims 1, 25, and 40 do not teach "said power line networking interface connected to said output power coupling circuit ... to send data signals to said portable phone," as recited in claim 1 and in claim 25. Houvig patent also does not disclose "a power line networking interface connected to said power line networking signal coupling circuit adapted to ... send power line networking signals to said power line input" as recited in claim 40. Examiner respectfully disagrees with the Applicant argument. Examiner interpreted the "call information signals" is the "data signals". Therefore, the Houvig patent is still read on limitations recited above. Further more, Applicant argues that Paret (U.S PAT. 5,892,795) reference cited by the Examiner for claim 36 does not disclose "a first means for modulating/demodulating a networking signal through said means for coupling to power line, said first means for modulating/demodulating a networking signal substantially housed within said means for housing; and a second means for modulating/ demodulating a networking signal through said means for coupling to said one of said at least one output voltage, said second means for modulating/demodulating said networking signal substantially housed within said means

for housing,". Examiner respectfully disagrees with the Applicant argument. Examiner interpreted the "call information signals" is the "networking signals". Therefore, the Paret patent still read on limitations recited in claim 36.

Base on the above rational, it is believed that the claimed limitations are met by the references submitted and therefore, the rejections are maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 10, 25-26, 30, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S PAT. 5,911,119 hereinafter, "Bartholomew") in view of Houvig et al. (U.S PAT. 5,708,701 hereinafter, "Houvig").

Consider claim 1, Bartholomew teaches a portable phone system comprising: a portable phone (fig. 39 col. 19 lines 33-56); and a power line networking interface connected to power line networking signal coupling circuit adapted to receive power line networking signals from power line input and adapted to send power line networking signals to power line input, power line networking interface connected to output power

coupling circuit to receive data signals from portable phone and to send data signals to portable phone (fig. 6 col. 12 line 63 through col. 13 line 23).

Bartholomew differs from the claimed invention in not specifically teaching for a power supply having a power line input and at least one power output, at least one power output connected through a cable and connector to portable phone; at least one power output provides power to portable phone; a power line networking signal coupling circuit connected to power line input; an output power coupling circuit connected to at least one output of at least one power output.

However, Houvig teaches for a power supply having a power line input and at least one power output, at least one power output connected through a cable and connector to portable phone (fig. 3 col. 3 line 55 through col. 4 line 22); at least one power output provides power to portable phone (fig. 3 col. 3 line 55 through col. 4 line 22); a power line networking signal coupling circuit connected to power line input (fig. 3 col. 4 lines 16-22); an output power coupling circuit connected to at least one output of at least one power output (fig. 3 col. 4 lines 23-38).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bartholomew for a power supply having a power line input and at least one power output, at least one power output connected through a cable and connector to portable phone; at least one power output provides power to portable phone; a power line networking signal coupling circuit connected to power line input; an output power coupling circuit connected to at least one output of at least one power output, as per teaching of Houvig, because it provides the

communication of information by the power lines in a building and, in particular, to the transmission and reception of telephone signals in a power line communications system having the facility for the receiver of an incoming telephone call to receive information while the telephone remains ON HOOK and before the incoming telephone call is answered.

Consider claims 2 and 26, Bartholomew further teaches power line input is a connector suitable to receive a power cord (fig. 39 col. 19 lines 33-56).

Consider claim 3, Bartholomew further teaches power supply is substantially mounted within a wall-wart that plugs directly into a power outlet (fig. 39 col. 19 lines 33-56).

Consider claim 10, Bartholomew further teaches power line networking interface uses at least one type of modulation chosen from a group consisting of frequency modulation, pulse-width modulation, Orthogonal Frequency Division Multiplexing (OFDM), quadrature modulation and Quadrature Amplitude Modulation (QAM) (col. 10 lines 46-62).

Consider claim 25, Bartholomew teaches a portable phone system comprising: a portable phone (fig. 39 col. 19 line 33-56); and a power line networking interface connected to power line networking signal coupling circuit adapted to receive power line

networking signals from power line input and adapted to send power line networking signals to power line input, power line networking interface connected to output power coupling circuit to receive data signals from portable phone and send data signals to portable phone (fig. 6 col. 12 line 63 through col. 13 line 23).

Bartholomew differs from the claimed invention in not specifically teaching for a power supply; a power line input connected to power supply; a power conversion circuit connected to power line input having at least one power output connected to portable phone through a power cable and a connector, power conversion circuit provides power to portable; a power line networking signal coupling circuit connected to power line input; an output power coupling circuit connected to one output of at least one power output.

However, Houvig teaches for a power supply (fig. 3 col. 3 line 55 through col. 4 line 22); a power line input connected to power supply (fig. 3 col. 3 line 55 through col. 4 line 22); a power conversion circuit connected to power line input having at least one power output connected to portable phone through a power cable and a connector, power conversion circuit provides power to portable (fig. 3 col. 3 line 55 through col. 4 line 22); a power line networking signal coupling circuit connected to power line input (fig. 3 col. 4 lines 16-22); an output power coupling circuit connected to one output of at least one power output (fig. 3 col. 4 lines 23-38).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bartholomew for a power supply; a power line input connected to power supply; a power conversion circuit connected to power

Art Unit: 2618

line input having at least one power output connected to portable phone through a power cable and a connector, power conversion circuit provides power to portable; a power line networking signal coupling circuit connected to power line input; an output power coupling circuit connected to one output of at least one power output, as per teaching of Houvig, because it provides the communication of information by the power lines in a building and, in particular, to the transmission and reception of telephone signals in a power line communications system having the facility for the receiver of an incoming telephone call to receive information while the telephone remains ON HOOK and before the incoming telephone call is answered.

Consider claim 30, Houvig further teaches power cable has a connector adapted to mate with a second connector located on said portable phone (col. 1 lines 46-50).

Consider claim 40, Bartholomew teaches a portable phone system comprising: a portable phone (fig. 39 col. 19 line 33-56); a base station providing electrical connections and support to hold and support portable phone (fig. 39 col. 19 line 33-56); and a power line networking interface connected to power line networking signal coupling circuit adapted to receive power line networking signals from power line input and send power line networking signals to power line input, power line networking interface sends and receives power line networking signals to and from portable phone through separate contacts of connector (fig. 6 col. 12 line 63 through col. 13 line 23).

Bartholomew differs from the claimed invention in not specifically teaching for a power line input; a power conversion circuit connected to power line input and housed within base station, power conversion circuit provides at least one power output that connects to and provides power to portable phone through a connector, connector located on a surface of base station; a power line networking signal coupling circuit connected to power line input.

However, Houvig teaches for a power line input (fig. 3 col. 3 line 55 through col. 4 line 22); a power conversion circuit connected to power line input and housed within base station, power conversion circuit provides at least one power output that connects to and provides power to portable phone through a connector, connector located on a surface of base station (fig. 3 col. 3 line 55 through col. 4 line 22); a power line networking signal coupling circuit connected to power line input (fig. 3 col. 4 lines 16-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bartholomew for a power line input; a power conversion circuit connected to power line input and housed within base station, power conversion circuit provides at least one power output that connects to and provides power to portable phone through a connector, connector located on a surface of base station; a power line networking signal coupling circuit connected to power line input, as per teaching of Houvig, because it provides the communication of information by the power lines in a building and, in particular, to the transmission and reception of telephone signals in a power line communications system having the facility for the

Art Unit: 2618

receiver of an incoming telephone call to receive information while the telephone remains ON HOOK and before the incoming telephone call is answered.

Consider claim 41, Bartholomew further teaches power line input is a connector suitable to receive a power cord (fig. 39 col. 19 line 33-56).

4. Claims 4-5, 9, 27-28, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S PAT. 5,911,119 hereinafter, "Bartholomew") in view of Houvig et al. (U.S PAT. 5,708,701 hereinafter, "Houvig") as applied to claims above, and further in view of Sacca et al. (U.S PAT. 6,741,162 hereinafter, "Sacca").

Consider claims 4, 27, and 42 Bartholomew and Houvig, in combination, fails to teaches power line networking signal power line coupling circuit comprises a power line coupling capacitor and a power line isolation transformer.

However, Sacca teaches power line networking signal power line coupling circuit comprises a power line coupling capacitor (item 235) and a power line isolation transformer (item 270) (fig. 2 col. 4 lines 5-26).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Sacca into view of Bartholomew and Houvig, in order to provide carrying electrical data signals and electrical power over a power line.

Consider claim 5, Sacca further teaches output power coupling circuit comprises an output power coupling capacitor and an output power isolation transformer (fig. 2 col. 4 line 5-26).

Consider claim 9, Sacca further teaches power line network interface uses Home Power Line Networking Association standards to communicate with at least one device through power line coupling circuit (col. 5 line 55-66).

Consider claim 28, Sacca further teaches output power coupling circuit comprises a second coupling capacitor (items 255 and 260) and a second isolation transformer (item 240) (fig. 2 col. 4 line 5-26).

5. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S PAT. 5,911,119 hereinafter, "Bartholomew") in view of Paret (U.S PAT. 5,892,795).

Consider claim 36, Bartholomew teaches an external power supply system with power line networking to a portable phone comprising: a housing power supply system (fig. 39 col. 19 lines 33-56); providing power line input that passes through housing (fig. 39 col. 19 lines 33-56); converting power line input into at least one output voltage housed substantially within housing (fig. 39 col. 19 lines 33-56); coupling to power line input, coupling connected to power line input and coupling substantially housed within

housing (fig. 39 col. 19 lines 33-56); coupling to at least one of at least one output voltage, coupling to at least one of at least one output voltage substantially housed within housing (fig. 39 col. 19 lines 33-56).

Bartholomew differs from the claimed invention in not specifically teaching for a first modulating/demodulating a networking signal through for coupling to power line, first modulating/demodulating a networking signal substantially housed within housing; and a second modulating/demodulating a networking signal through coupling to one of at least one output voltage, second modulating/demodulating networking signal substantially housed within housing.

However, Paret teaches for a first modulating/demodulating a networking signal through for coupling to power line, first modulating/demodulating a networking signal substantially housed within housing (fig. 1 col. 3 line 66 through col. 4 line 29); and a second modulating/demodulating a networking signal through coupling to one of at least one output voltage, second modulating/demodulating networking signal substantially housed within housing (fig. 1 col. 3 line 66 through col. 4 line 29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bartholomew for a first modulating/demodulating a networking signal through for coupling to power line, first modulating/demodulating a networking signal substantially housed within housing; and a second modulating/demodulating a networking signal through coupling to one of at least one output voltage, second modulating/demodulating networking signal substantially housed within housing, as per teaching of Paret, because it provides a

Art Unit: 2618

telecommunication system along power supply lines, which system is less sensitive to parasitic phenomena and, is when a communication frequency is too polluted, capable of adapting itself to another, more adequate frequency.

Consider claim 37, Sacca further teaches providing power line input is a connector suitable for receiving a power cord (fig. 39 col. 19 lines 33-56).

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S PAT. 5,911,119 hereinafter, "Bartholomew") in view of Paret (U.S PAT. 5,892,795) as applied to claim 36 above, and further in view of Sacca et al. (U.S PAT. 6,741,162 hereinafter, "Sacca").

Consider claim 38 Bartholomew and Paret, in combination, fails to teaches coupling to power line networking signals comprises a coupling capacitor and an isolation transformer.

However, Sacca teaches coupling to power line networking signals comprises a coupling capacitor (item 235) and an isolation transformer (item 270) (fig. 2 col. 4 lines 5-26).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Sacca into view of Bartholomew and Paret, in order to provide carrying electrical data signals and electrical power over a power line.

7. Claims 45-50 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S PAT. 5,911,119 hereinafter, "Bartholomew") in view of Houvig et al. (U.S PAT. 5,708,701 hereinafter, "Houvig"), and further in view of Kite (U.S PAT. 7,039,393).

Consider claim 45, Bartholomew and Houvig, in combination, fails to teaches the data signals include alphanumeric characters.

However, Kite teaches the data signals include alphanumeric characters (col. 22 lines 37-48).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Kite into view of Bartholomew and Houvig, in order to provide a remote call screening device that allows a user to monitor and screen incoming telephone calls.

Consider claims 46, 49 and 53, Kite further teaches alphanumeric characters comprise information from an address book stored in a computer hard drive or persistent storage device (col. 20 lines 30-53).

Consider claim 47, Kite further teaches the data signals include information from a computer connected to the portable phone via said power line input (col. 20 lines 30-53).

Consider claims 48, 50 and 54, Kite further teaches the power line networking signals include information comprising data entered into a keyboard of the computer (col. 19 lines 38-43).

8. Claims 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S PAT. 5,911,119 hereinafter, "Bartholomew") in view of Paret (U.S PAT. 5,892,795) as applied to claim 36 above, and further in view of Kite (U.S PAT. 7,039,393).

Consider claim 51, Bartholomew and Houvig, in combination, fails to teaches the networking signal includes alphanumeric characters comprising information from an address book stored in a computer hard drive or persistent storage device.

However, Kite teaches the networking signal includes alphanumeric characters comprising information from an address book stored in a computer hard drive or persistent storage device (col. 20 lines 30-50).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Kite into view of Bartholomew and Houvig, in order to provide a remote call screening device that allows a user to monitor and screen incoming telephone calls.

Consider claim 52, Kite further teaches the networking signals include information comprising data entered into a keyboard of the computer (col. 19 lines 38-43).

Allowable Subject Matter

9. Claims 11-14, 18-23, and 31-34 are allowed.
10. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2618

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

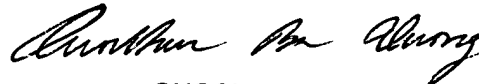
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2618

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

T-J



10/02/06

QUOCHIE B. VUONG
PRIMARY EXAMINER